

VI. TRIALS

Civil L.R. 41.1 Dismissal Where No Service of Process

When the plaintiff has not effected service of process within the time required by Fed.R.Civ.P. 4(m), and the defendant has not waived service under Rule 4(d), then on 20 days' notice to the attorney of record for the plaintiff, or the plaintiff if pro se, an order will be entered dismissing the action without prejudice.

Civil L.R. 41.2 Dismissal Where No Answer or Other Pleading Filed

In all cases in which a defendant has failed to file an answer or otherwise defend within 6 months from the filing of the complaint and the plaintiff has not moved for a default judgment, the Court may on its own motion, after 20 days' notice to the attorney of record for the plaintiff, or to the plaintiff if pro se, enter an order dismissing the action for lack of prosecution. Such dismissal must be without prejudice.

Civil L.R. 41.3 Dismissal for Lack of Diligence

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.

Civil L.R. 41.4 Dismissal of Frivolous Action or Pleading

Whenever it appears to the Court that the plaintiff's complaint, the defendant's answer, including counterclaims, or any other pleading filed by a party is frivolous, without merit or interposed primarily for any improper purpose, the Court may dismiss or strike the pleading without prejudice after 20 days' written notice to the parties.

Civil L.R. 42.1 Consolidation of Cases

- (a) When the consolidation of two or more cases is sought, whether for a limited purpose or for all future proceedings, the motion to consolidate and supporting materials must be captioned with the case names and numbers of all cases sought to be consolidated. Service and filing must be effected in all of the cases sought to be consolidated. The motion must be decided by the district judge to whom the lowest numbered case is assigned. If the motion is granted, the judge to whom the lowest numbered case is assigned must handle all future proceedings covered by the consolidation order.

- (b) When two or more cases are consolidated, all documents relevant to the purposes for which consolidation was granted will thereafter be docketed only on the docket sheet for the lowest numbered of the consolidated cases. All such documents will be filed in the case file for that case and only the original and one copy of a document must be filed. A notation to check the docket sheet for the lowest numbered case will be entered on the docket sheet(s) for the higher numbered case(s).
- (c) If cases are consolidated for some but not all purposes, documents relating to a particular case will be docketed on the docket sheet for that case and be filed only in that case file.